UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE

ULTIMA SERVICES CORPORATION,

Plaintiff,

No. 2:20-cy-00041--against-

DCLC-CRW

U.S. DEPARTMENT OF AGRICULTURE, U.S. SMALL BUSINESS ADMINISTRATION,

SECRETARY OF AGRICULTURE, and ADMINISTRATOR

OF THE SMALL BUSINESS ADMINISTRATION.

Defendants.

## PLAINTIFF'S MOTION TO FILE A SUPPLEMENTAL BRIEF

Pursuant to Local Rule 7.1(d), Plaintiff Ultima Services Corporation ("Ultima") moves to file a short supplemental brief on defendants' motion to dismiss. A proposed supplemental brief (of four pages) accompanies this motion as Exhibit 1.

Unlike most courts, this Court has only one page limitation for all briefs, both principal and reply. Compare, e.g., Fed. R. App. P. 32(a)(7); W.D. Tenn. Loc. R. 7.2(e) (twenty pages for principal briefs, five pages for reply briefs when allowed at all). Accordingly, defendants have had the opportunity to submit twice as many pages as Ultima on their motion to dismiss. In the interests of fairness, Ultima should be given an opportunity to briefly respond to defendants' lengthy reply.

Further, defendants' reply brief addresses 15 U.S.C. § 634(b)(1) for the first time, Dkt. No. 26 at 24-25; despite the fact that it was identified in the first numbered paragraph of Ultima's complaint, defendants' moving papers never mentioned that statute. They now claim that other statutes trump Section 634(b)(1). Accordingly, these are new (and meritless) arguments that Ultima has not had an opportunity to address. It should be allowed to do so.

To keep the total briefing on this motion within reasonable limits, Ultima proposes a supplemental brief of 4 pages. Obviously, it will not attempt to address or rebut every point in

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defendants' reply papers.

## Conclusion

For the foregoing reasons, Ultima's motion to file a supplemental brief on defendants' motion to dismiss should be granted.

Respectfully submitted,

/s/ Michael E. Rosman
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## Certificate of Service

I certify that I served the foregoing motion by filing it on August 14, 2020 with the Court's CM/ECF system which will serve counsel for defendants.

/s/ Michael E. Rosman
Michael E. Rosman

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